

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VALLEY CHILDREN’S HOSPITAL,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY, et al.,

Defendants.

Case No. 1:21-cv-01567-JLT-EPG

ORDER FOR PLAINTIFF TO SHOW  
CAUSE WHY THIS CASE SHOULD NOT  
BE DISMISSED WITHOUT PREJUDICE  
FOR FAILURE TO COMPLETE  
SERVICE ON DEFENDANTS  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 4(M)

Plaintiff Valley Children’s Hospital proceeds through counsel in this breach contract action against Defendants Federal Insurance Company, The Chubb Corporation, and DOES 1 -5. (ECF No. 1). For the reasons given below, the Court orders Plaintiff to show cause why this action should not be dismissed for failure to timely complete service on Defendants.

Under Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). However, “if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” *Id.*

Plaintiff initiated this action with the filing of the complaint on October 22, 2021 (ECF No. 1). A summons was issued on October 25, 2021 (ECF No. 4). To date, Plaintiff has not filed a return of service demonstrating that Plaintiff has accomplished service of the complaint and

1 summons on any Defendant, nor has a waiver of service been filed by any Defendant. Thus, the  
2 ninety-day time period for service appears to have expired without service being achieved.

3 Accordingly, Plaintiff is ORDERED to show cause why this action should not be  
4 dismissed for failure to timely serve Defendants as required under Federal Rule of Civil  
5 Procedure 4(m). Plaintiff shall file, no later than February 11, 2022, either: (1) a return of service  
6 showing that service on each Defendant has been completed; or (2) a response to this order to  
7 show cause demonstrating that Plaintiff has good cause for failing to complete service and  
8 explaining when Plaintiff will complete service.

9 Plaintiff is cautioned that failure to respond to this order to show cause may result in the  
10 dismissal of this action.

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12 IT IS SO ORDERED.

13 Dated: January 24, 2022

14 /s/ Eric P. Grogan  
15 UNITED STATES MAGISTRATE JUDGE  
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